



## ENERGY AND ENVIRONMENT CABINET

DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WASTE MANAGEMENT  
200 FAIR OAKS, 2<sup>ND</sup> FLOOR  
FRANKFORT, KY 40601  
TELEPHONE NUMBER (502) 564-6716

### **Irrevocable Letter of Credit Form DEP 7094F (11/08)**

#### **GENERAL INFORMATION**

- 1. ASSISTANCE – Questions regarding this form may be directed in writing to the Division of Waste Management, Solid Waste Branch at the address listed above, or by calling (502) 564-6716.**
- 2. SUBMISSION – Please type or print legibly in permanent ink. Submit the original of the completed form to the Division of Waste Management at the address listed above. The document must be free of errors.**

COMMONWEALTH OF KENTUCKY

Energy and Environment Cabinet  
Department for Environmental Protection  
Division of Waste Management  
200 Fair Oaks, 2<sup>nd</sup> Floor  
Frankfort, Kentucky 40601

Date:        -        -  
Irrevocable Letter of Credit  
Credit No.

Gentlemen:

We hereby open our irrevocable letter of credit in your favor for the account of  
for a sum or sums not exceeding a total of \_\_\_\_\_ dollars  
(\$        ) available by your draft(s) on us at sight when accompanied by an Energy and  
Environment Cabinet Order of Forfeiture.

It is a condition of this Letter of Credit that will be automatically extended for  
additional periods of up to one (1) year from the then relevant expiry date unless thirty  
(30) days prior to that relevant expiry date, we notify you that we elect not to extend this  
Letter of Credit whereupon you may elect either to obtain cash collateral by drawing your  
on sight draft on us for an amount not to exceed the unused balance of the Letter of  
Credit, or to let the Letter of Credit expire. For the purposes of this credit, our notice not  
to extend shall mean:

1. That we send our notification to you at the above-listed address by registered  
mail, return receipt requested, dated not less than thirty (30) days prior to  
expiration; and
2. That, in the event, prior to fifteen (15) days before the then relevant expiry date,  
we have not received either your draft or your written notice that you do not  
intend to draw from your draft on us, we will hand deliver our notification to  
obtain a receipt from: Director, Division of Waste Management, Energy and  
Environment Cabinet, or that official's designated representative, not less than  
five (5) days prior to the then relevant expiry date. In the event we shall have  
failed to notify you as described above, the Letter of Credit shall be automatically  
extended for a period of one (1) year; and

3. That, in the event you draw your draft upon us in response to our notice not to extend, such draft need not be accompanied by an Order of Forfeiture.

Drafts must be negotiated not later than       -       . All drafts drawn under this credit shall state that they are “drawn under       , dated       -       , associated with permit number       .”

This Letter of Credit is subject to the Uniform Commercial Code of the Commonwealth of Kentucky. Jurisdiction for any litigation concerning this Letter of Credit shall be in Franklin Circuit Court, Commonwealth of Kentucky.

In the event we become unable to fulfill our obligations under the Letter of Credit for any reason, notice shall be given within five (5) days to Permittee and Director, Division of Waste Management, at the address indicated in the Letter of Credit.

We hereby agree with the drawers, endorsers and bona fide holders of drafts drawn under and in compliance with the terms of this credit that such drafts will be duly honored on due presentation to the drawee.

Unless otherwise expressly stated, this Letter of Credit is subject to the “Uniform Customs and Practice for Documentary Credits (1983 Revision) International Chamber of Commerce, Publication 400.”

By: \_\_\_\_\_

Authorized Signature

Official Position: